

HOUSE BILL No. 1137

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-7-18.

Synopsis: Housing authority membership. Allows the fiscal body of a city, county, or town to set the membership of the unit's housing authority by resolution at either five commissioners or seven commissioners. (Current law requires seven commissioners.) Sets the length of the initial term of a commissioner who is added. Provides that, with certain exceptions, a housing authority must have one commissioner who is directly assisted by the housing authority. Eliminates the requirement that a housing authority have one commissioner who is a resident of the housing authority.

Effective: July 1, 2004.

Stilwell

January 13, 2004, read first time and referred to Committee on Local Government.

C
o
p
y



Introduced

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

HOUSE BILL No. 1137

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 36-7-18-4 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. (a) A unit may
3 establish a housing authority if the fiscal body of the unit, by
4 resolution, declares that there is a need for an authority in the unit.

5 (b) The determination as to whether or not there is a need for an
6 authority may be made by the fiscal body:

7 (1) on its own motion;

8 (2) on the filing of a petition signed by twenty-five (25) residents
9 of the unit and stating that there is a need for an authority in the
10 unit; or

11 (3) on receipt of an order from the division of family and children.

12 (c) A resolution may be passed under this section only after a public
13 hearing. Notice of the time, place, and purpose of the hearing must be
14 given by the fiscal body by publication in accordance with IC 5-3-1.

15 (d) The fiscal body of a unit may adopt a resolution declaring that
16 there is need for a housing authority in the unit if it finds that:

17 (1) unsanitary or unsafe dwelling accommodations are inhabited

2004

IN 1137—LS 6777/DI 108+



C
o
p
y

1 in the unit; or

2 (2) there is a shortage of safe or sanitary dwelling
3 accommodations available in the unit for persons of low income
4 at rentals they can afford.

5 In determining whether dwelling accommodations are unsafe or
6 unsanitary, the fiscal body may consider the degree of overcrowding,
7 the percentage of land coverage, the light, air, space, and access
8 available to inhabitants, the size and arrangement of the rooms, the
9 sanitary facilities, and the extent to which conditions in the buildings
10 endanger life or property by fire or other causes.

11 (e) In any proceeding involving any contract of a housing authority,
12 the authority shall be conclusively presumed to have become
13 established and authorized to transact business and exercise its powers
14 under this chapter on proof of the adoption of a resolution by the fiscal
15 body declaring the need for the authority. The resolution is sufficient
16 if it declares that there is a need for an authority and finds that either or
17 both of the conditions listed in subsection (d) exist in the unit. A copy
18 of the resolution certified by the clerk of the fiscal body is admissible
19 in evidence in any proceeding.

20 **(f) A fiscal body adopting a resolution under this section shall**
21 **specify in the resolution whether the housing authority of the unit**
22 **has five (5) commissioners or seven (7) commissioners.**

23 **(g) After a housing authority is established for a unit under this**
24 **chapter, the fiscal body of the unit may adopt a resolution changing**
25 **the number of commissioners on the housing authority from:**

26 (1) five (5) to seven (7); or

27 (2) seven (7) to five (5).

28 **(h) If the resolution described in subsection (g):**

29 (1) increases the number of commissioners, the appointing
30 authority shall appoint two (2) additional commissioners
31 under section 5 of this chapter. The appointing authority
32 shall fix the initial terms of the additional commissioners at:

33 (A) three (3) years for one (1) of the additional
34 commissioners; or

35 (B) four (4) years for one (1) of the additional
36 commissioners; or

37 (2) decreases the number of commissioners, the fiscal body
38 shall indicate in the resolution whether the number of
39 commissioners is to be reduced by:

40 (A) ending the terms of two (2) commissioners before those
41 terms expire; or

42 (B) eliminating two (2) commissioner positions on the

C
o
p
y



expiration of the terms of the commissioners occupying those positions.

SECTION 2. IC 36-7-18-5, AS AMENDED BY P.L.229-2001, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. (a) After the fiscal body of a unit adopts a resolution under section 4 of this chapter, persons shall be appointed as commissioners of the housing authority in the following manner:

(1) In a city, the fiscal body shall promptly notify the city executive of the adoption of the resolution. The executive shall then appoint **either:**

(A) five (5) persons:

(i) one (1) of whom must be a person directly assisted by the housing authority, unless the housing authority is described in subsection (d); and

(ii) not more than three (3) of whom may be of the same political party;

as commissioners of the housing authority; or

(B) seven (7) persons:

(i) one (1) of whom must be a resident of a housing project under the jurisdiction of person directly assisted by the housing authority, unless the housing authority is described in subsection (d); and

(ii) no more than four (4) of whom may be of the same political party;

as commissioners of the housing authority;

according to whether the resolution adopted by the fiscal body of the city under section 4 of this chapter specifies five (5) commissioners or seven (7) commissioners.

(2) In a town or county, the fiscal body shall appoint **either:**

(A) five (5) persons:

(i) one (1) of whom must be a person directly assisted by the housing authority, unless the housing authority is described in subsection (d); and

(ii) not more than three (3) of whom may be of the same political party;

as commissioners of the housing authority; or

(B) seven (7) persons:

(i) one (1) of whom must be a person directly assisted by the housing authority, unless the housing authority is described in subsection (d); and

(ii) no more than four (4) of whom may be of the same political party;

**C
o
p
y**



as commissioners of the housing authority;
**according to whether the resolution adopted by the fiscal body
of the town or county under section 4 of this chapter specifies
five (5) commissioners or seven (7) commissioners.**

(b) Subsequent appointments to the authority shall be made in the same manner.

(c) A commissioner of a housing authority must be a resident of the area in which the housing authority has jurisdiction as provided in section 41 of this chapter.

(d) The provisions of subsection (a)(1) and (a)(2) requiring that one (1) commissioner of a housing authority be a person directly assisted by the housing authority do not apply to:

(1) a housing authority that:

(A) has fewer than seventy-five (75) units;

(B) provides at least thirty (30) days notice to the residents under the jurisdiction of the housing authority of the opportunity to serve as a housing authority commissioner by:

(i) posting a notice in public areas under the jurisdiction of the housing authority; and

(ii) sending a notice by first class mail to each resident under the jurisdiction of the housing authority;

(C) has not been notified by a resident of the resident's interest in being appointed a housing authority commissioner; and

(D) repeats the notification of the opportunity to serve as a housing authority commissioner as described in clause (B) to the residents under the jurisdiction of the housing authority:

(i) on the occurrence of each opening on the housing authority commission for a resident housing authority commission member; and

(ii) at least once each year; or

(2) a housing authority that administers only federal Section 8 housing assistance.

SECTION 3. IC 36-7-18-7, AS AMENDED BY P.L.229-2001, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 7. (a) The executive or fiscal body appointing the first commissioners of a housing authority shall fix ~~their~~ **the commissioner's** terms as follows:

(1) For a housing authority having five (5) commissioners:

(A) One (1) year for one (1) of the commissioners.

**C
O
P
Y**



1 **(B) Two (2) years for one (1) of the commissioners.**

2 **(C) Three (3) years for one (1) of the commissioners.**

3 **(D) Four (4) years for two (2) of the commissioners.**

4 **(2) For a housing authority having seven (7) commissioners:**

5 **(A) One (1) year for two (2) of the commissioners.**

6 ~~(A)~~ **(B) Two (2) years for two (2) of the commissioners.**

7 ~~(B)~~ **(C) Three (3) years for one (1) of the commissioners.**

8 ~~(C)~~ **(D) Four (4) years for two (2) of the commissioners.**

9 After that, appointments to the **housing** authority are for a term of four
10 (4) years, except that all vacancies shall be filled for the unexpired
11 term. A commissioner serves until ~~his~~ **the commissioner's** successor
12 is appointed and qualified.

13 (b) A certificate for the appointment or reappointment of a
14 commissioner of a housing authority must be filed with the clerk of the
15 fiscal body of the unit. The certificate is conclusive evidence of the
16 proper appointment of the commissioner.

17 SECTION 4. [EFFECTIVE JULY 1, 2004] **If the housing**
18 **authority of a city, town, or county was established before July 1,**
19 **2004, the appointing authority is not required to appoint a**
20 **commissioner meeting the qualifications set forth in**
21 **IC 36-7-18-5(a), as amended by this act, until a vacancy occurs in**
22 **a commissioner's position on the housing authority after June 30,**
23 **2004.**

C
O
P
Y

